

(8)

6-25-01

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES EDWARD HELLER,
Plaintiff,

v.

JAMES DOHERTY, ROBERT START,
MARTIN WILLIAMS, PETER
KESSLER, MICHAEL SOFIA,
GARY McFARLAND, and
PRIME CORE MEDICAL,
Defendants.

CIVIL ACTION NO.
1:CV-01-0828

(Judge Kane)

FILED
HARRISBURG, PA

JUN 21 2001

MARY E. D'ANDREA, CLERK
Per
Deputy Clerk

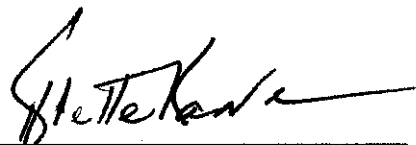
ORDER

On May 10, 2001, Plaintiff James Edward Heller, presently confined at the Monroe County Correctional Facility, Stroudsburg, PA, filed a civil rights complaint pursuant to 42 U.S.C. §1983. Currently pending before this Court is Plaintiff's request to proceed with the above captioned actions in forma pauperis. Plaintiff has filed a declaration in support of his request.

In addition, Plaintiff has filed a document titled "motion to amend statement of claim," which this Court construes to be a motion to amend his complaint. Because no answer or other responsive motion has been filed, nor has the complaint been served on Defendants, Plaintiff is entitled to file an amended complaint. Fed. R. Civ. P. 15. Therefore, the motion to amend will be denied as moot.

THEREFORE, IT IS ORDERED THAT:

1. Plaintiff is **GRANTED** leave to proceed in forma pauperis.
2. Plaintiff's motion to amend complaint (doc. 7) is **DENIED** as moot.
3. The Clerk of Court shall notify the United States Marshal to serve the complaint (doc. 1) and amendment thereto (doc. 7) upon Defendants pursuant to Federal Rule of Civil Procedure 4.
3. Defendants shall respond to the complaints within twenty (20) days after the date of service.



Yvette Kane
United States District Judge

Dated: June 21, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

June 21, 2001

Re: 1:01-cv-00828 Heller v. Doherty

True and correct copies of the attached were mailed by the clerk
to the following:

James Edward Heller
CTY-MON
2000-02054
Monroe County Correctional Facility
4250 Manor Drive
Stroudsburg, PA 18360

cc:

Judge	(<input checked="" type="checkbox"/>)	() Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	(<input checked="" type="checkbox"/>)	with N/C attached to complt. and served by: U.S. Marshal (<input checked="" type="checkbox"/>) Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: 6-21-01

BY: 
Deputy Clerk